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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHERYL D. WESLEY, an Individual,

Plaintiff,

vs.

99 CENTS ONLY STORES LLC, a
Foreign Limited-Liability Company; ROE
MAINTENANCE COMPANIES 1-10;
ROE CLEANING COMPANIES 1-10;
DOE INDIVIDUALS 1-10; DOE
EMPLOYEES 1-10; and ROE BUSINESS
ENTITIES 1-20, inclusive,

Defendants.

CASE NO: 2:20-cv-1574-JCM-BNW

**STIPULATION AND PROPOSED
ORDER TO EXTEND DISCOVERY
DEADLINES (FOURTH REQUEST)**

Plaintiff, CHERYL D. WESLEY, and Defendant, 99 CENTS ONLY STORES LLC, by and through their attorneys of record, hereby stipulate to extend the deadlines (fourth request) in the current scheduling order and discovery plan in this matter for a period of ninety (60) days for the reasons explained herein.

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I.

STATEMENT OF DISCOVERY COMPLETED

The following Discovery has been completed by the parties:

- On September 14, 2020, the parties filed a Joint Status Report.
- On September 18, 2020, Plaintiff and Defendant served their NRCP 16.1 Initial Disclosures, Defendant served written discovery requests to Plaintiff, and Plaintiff served the Notice of Deposition and Requests for Production of Documents to Defendant's NRCP 30(b)(6) Representative.
- On September 29, 2020, the parties filed a Stipulated Protective Order.
- On October 19, 2020, Plaintiff responded to Defendant's written discovery requests.
- On October 27, 2020, Plaintiff served her first supplement to NRCP 16.1 Disclosures.
- On November 6, 2020, Defendant served its first and second supplements to NRCP 16.1 Disclosures.
- On November 13, 2020, Defendant responded to Plaintiff's Requests for Production of Documents.
- On November 16, 2020, Defendant took Plaintiff's deposition.
- On December 7, 2020, Plaintiff provided a limited medical authorization for Defendant.
- On December 10, 2020, Defendant served its third supplement to NRCP 16.1 Disclosures.
- On December 17, 2020, Defendant served its fourth supplement to NRCP 16.1 Disclosures.
- On December 23, 2020, Defendant served its fifth supplement to NRCP 16.1 Disclosures.
- On February 4, 2021, Plaintiff provided a limited medical authorization for Defendant.
- On February 18, 2021, Plaintiff provided a limited medical authorization for Defendant.
- On March 1, 2021, Defendant served its sixth supplement to NRCP 16.1 Disclosures.
- On March 4, 2021, Defendant served its seventh supplement to NRCP 16.1 Disclosures.
- On March 17, 2021, Plaintiff took the deposition of Robert Holmes, Defendant's NRCP 30(b)(6) Representative.
- On May 13, 2021, Defendant served its eleventh supplement to NRCP 16.1 Disclosures.

- On June 1, 2021, Defendant served its twelfth supplement to NRCP 16.1 Disclosures.
- On June 28, 2021, Defendant had Dr. Reynold Rimoldi perform an Independent Rule 35 Examination of Plaintiff.

II.

DISCOVERY YET TO BE COMPLETED AND REASONS
FOR EXTENSION OF DISCOVERY

The following Discovery is outstanding:

- The parties intend to supplement to initial disclosures.
- Written discovery to Defendant.
- Experts expert disclosures to be completed.
- Rebuttal expert disclosures to be completed.
- Depositions of Defendant's witness(es) and employees.
- Depositions of percipient witness(es).
- Depositions of Plaintiff's treating provider(s).
- Obtaining Plaintiff's imaging films for expert(s).
- Expert deposition(s).
- Additional follow-up written discovery to be completed, if necessary.

This stipulation is made for good cause and not for the purposes of delay. The parties are working diligently to attempt to adhere to the current discovery deadlines. However, counsel for Plaintiff has changed. Due to the change of Plaintiff's counsel, additional time is needed to prepare for the expert disclosure deadline.

The parties also respectfully request, in light of COVID-19 and the District of Nevada's Temporary General Order 2020-03, the deadlines for discovery be extended for a period of sixty (60) days to complete the outstanding discovery mentioned above.

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III.

PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY AND
AMENDMENTS TO OTHER PRE-TRIAL DATES

<u>DISCOVERY & MOTIONS</u>	<u>CURRENT DEADLINE</u>	<u>PROPOSED DEADLINE</u>
Discovery Deadline	11/2/2021	1/3/2022
Initial Expert Disclosures	9/3/2021	11/3/2021
Rebuttal Expert Disclosures	10/5/2021	12/6/2021
Dispositive Motions	12/3/2021	2/1/2022
Joint Pretrial Order	12/30/2021	2/28/2022

Based on the foregoing, the parties respectively request the Court issue an Order extending the current Scheduling Order to the Discovery Schedule set forth above.

IT IS SO STIPULATED.DATED this 24th day of August, 2021.DATED this 24th day of August, 2021.**MAINOR WIRTH, LLP****BRANDON | SMERBER LAW FIRM***/s/ Breanna Hartmann**/s/ Jeffrey Orr*

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ORDER

IT IS HEREBY ORDERED THAT the scheduling order be amended as follows:

<u>DISCOVERY & MOTIONS</u>	<u>OLD DEADLINE</u>	<u>NEW DEADLINE</u>
Discovery Deadline	11/2/2021	1/3/2022
Initial Expert Disclosures	9/3/2021	11/3/2021
Rebuttal Expert Disclosures	10/5/2021	12/6/2021
Dispositive Motions	12/3/2021	2/1/2022
Joint Pretrial Order	12/30/2021	2/28/2022

Order

IT IS ORDERED that ECF No. 23 is GRANTED. However, the parties are advised that the Court does not intend to continue granting discovery extensions, unless there are exceptional circumstances demonstrating good cause. The parties should also be aware that under LR IA 11-6(d), "Discharge, withdrawal, or substitution of an attorney will not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in the case."

IT IS SO ORDERED

DATED: 6:57 pm, August 25, 2021



**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**